

1 Mark G. Tratos (Bar No. 1086)
 2 tratosm@gtlaw.com
 3 Kara B. Hendricks (Bar No.7743)
 4 hendricksk@gtlaw.com
 5 Peter H. Ajemian (Bar No. 9491)
 6 ajemianp@gtlaw.com
 7 Bethany L. Rabe (Bar No. 11691)
 8 rabe@gtlaw.com
 9 Moorea L. Katz (Bar No. 12007)
 10 katzmo@gtlaw.com
 11 GREENBERG TRAURIG, LLP
 12 3773 Howard Hughes Parkway
 13 Suite 400 North
 14 Las Vegas, Nevada 89169
 15 Telephone: (702) 792-3773
 16 Facsimile: (702) 792-9002
 17 *Counsel for Plaintiff*

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 Teller, an individual,
 13 Plaintiff,

14 v.

15 Gerard Dogge (P/K/A, Gerard Bakardy) an
 16 individual,

17 Defendant.

Case No. 2:12-cv-00591-JCM-GWF

**RESPONSE TO DOGGE'S MOTIONS 1-5
 CONTAINED IN "MULTIPLE MOTIONS
 CONCERNING DEFENDANTS
 PLEADINGS"**

19 Plaintiff Teller (hereinafter "Teller"), by and through his attorneys Greenberg Traurig,
 20 LLP, hereby files this Response to the "Multiple Motions Concerning Defendants [sic]
 21 Pleadings" filed by Defendant Dogge ("Dogge") as Docket Entries 34, 35, 36, 37, and 38.

22 **I. INTRODUCTION**

23 On October 22, 2012, Dogge filed a document with the Court (Docket Nos. 34, 35, 36,
 24 37, and 38) which contained "Multiple Motions Concerning Defendants [sic] Pleadings,"
 25 comprised of five short "motions" requesting various relief from the Court. The majority of the
 26 issues raised in the "motions" cannot be resolved through motions practice and many of the
 27 "motions" relate to discovery issues which may be resolved at the initial case conference.
 28 Notwithstanding, this response addresses Dogge's five motions.

II. LEGAL ARGUMENT

A. Dogge's Request for the Court to Provide a Translator-Interpreter.

In "Motion 1," Dogge requests that the Court provide a translator-interpreter. Dogge appears to speak and write English quite well, as evidenced in Dogge's recent YouTube video where he performs an illusion containing a lengthy monologue in near-perfect English.¹ Dogge has filed numerous pleadings in English and has conducted all pre-litigation settlement negotiations in English.

Notwithstanding the foregoing, Plaintiff does not oppose Dogge's request for a translator-interpreter, although Plaintiff notes that pursuant to Local Rule 43-1, "a party who anticipates needing the services of an interpreter shall make arrangements therefor, at that party's expense..."

B. Dogge's Request to Permit the Use of Video and Audio Material in Pleadings

In "Motion 2," Dogge requests that the Court permit the use of video and audio material in his pleadings. Plaintiff respectfully submits that this case is governed by the Federal Rules of Civil Procedure and Mr. Dogge's use of video and audio material must conform with the same. Plaintiff expects that discovery in this matter may include video and audio material and believes the disclosure of such information and a mechanism for facilitating the same can be discussed at the initial case conference.²

C. Dogge's Request to Allow the Plaintiff to be Questioned by the Defendant

In "Motion 3," Dogge requests that the Court "allow the Plaintiff to be questioned by the (pro se) defendant. And if desirable, vice versa." This appears to be a request for depositions. Plaintiff does not oppose the request that Dogge be permitted to depose Teller, provided the deposition is conducted pursuant to the Federal Rules of Civil Procedure. Additionally, Plaintiff accepts Dogge's offer that Dogge be deposed. Plaintiff anticipates that both of these

¹ Available at <http://www.youtube.com/watch?v=rkq4XfFgCYs> (last accessed October 29, 2012).

² Plaintiff has sought to have a telephonic early initial case conference by but the Defendant has indicated he is not available before November 20, 2012.

1 depositions will take place during the discovery period set by the Court in this matter. Counsel
2 for Plaintiff has reached out to Dogge in an attempt to schedule an initial case conference in
3 which depositions and discovery deadlines will be discussed.

4 **D. Dogge's Request for the Court to Set a Time Limit to the Pleadings**

5 In "Motion 4," Dogge requests that the Court set a time limit to the pleadings. Teller
6 construes this request as a request for a scheduling order. As noted in footnote 2, Teller is
7 attempting to coordinate with Dogge regarding the 26(f) conference and the filing of a
8 proposed order. Teller does not oppose the entry of an order designating deadlines for various
9 phases of the case. Teller likewise hopes to resolve this matter quickly and does not intend to
10 request additional time beyond the standard deadlines at this time. As such, Teller does not
11 oppose this motion.

12 **E. Dogge's Request for Court Protection**

13 In "Motion 5," Dogge requests that the Court "inform [him] in which way the Court
14 guarantees [his] security in and on [his] way to Court," ostensibly due to "threats" that Dogge
15 claims are "[m]ore than likely coming from fans of Mr. Teller." The public's negative reaction
16 to Dogge's infringement is not within the control of Plaintiff but the Plaintiff would never
17 encourage or promote negative actions by anyone. To the extent Dogge is seeking a protective
18 order, he will need to provide the court with law and evidence to support the relief requested.
19 Moreover, it is important to note that the "alleged threats" appear to merely be negative
20 comments made by third parties that are not parties to this lawsuit and that there are no
21 allegations of threats made by Plaintiff.

22 Notwithstanding the forgoing, Plaintiff is not opposed to the Court entering into a
23 protective order that relates to the disclosure of documents and other material produced as
24 part of the discovery process.

25 ///

26 ///

27 ///

28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

DATED this 8th day of November, 2012.

/s/ Mark G. Tratos

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I hereby certify that on November 8, 2012, I served the foregoing **RESPONSE TO DOGGE'S MOTIONS 1-5 CONTAINED IN "MULTIPLE MOTIONS CONCERNING DEFENDANTS PLEADINGS"** by United States first-class mail, postage prepaid at Las Vegas, Nevada and by electronic mail on:

Gerard Dogge
Abtsdreef 10/bus 1
B2940 Stabroek
Belgium
Gerard-bakardy@hotmail.com

/s/ Tiffany Milligan

An employee of Greenberg Traurig